

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

LEONARD FONTENOT,	:	
	:	
Plaintiff,	:	Civ. No. 22-5163 (RBK) (AMD)
	:	
v.	:	
	:	
USA,	:	MEMORANDUM & ORDER
	:	
Defendant.	:	
	:	

Plaintiff, Leonard Fontenot (“Plaintiff” or “Fontenot”), is a former federal prisoner currently residing in Louisiana proceeding *pro se* with a civil complaint filed pursuant to the Federal Torts Claim Act (“FTCA”), 28 U.S.C. § 2671, *et seq.*, against Defendant the United States. Plaintiff initiated this action in the United States District Court for the Western District of Louisiana. Subsequently, that Court granted Plaintiff’s application to proceed *in forma pauperis*. (See ECF 5). Thereafter, the Western District of Louisiana transferred this action to this Court after determining that any claims occurred while Plaintiff was incarcerated at F.C.I. Fairton in Bridgeton, New Jersey. (See ECF 8).

The allegations of the complaint must be screened pursuant to 28 U.S.C. § 1915(e)(2)(B) to determine whether they are frivolous or malicious, fail to state a claim upon which relief may be granted, or whether the allegations seek monetary relief from a defendant who is immune from suit. Plaintiff brings this complaint under the FTCA against the United States for compensatory damages due to the purported negligent diagnosis and subsequent performance of medical personnel while he was incarcerated related to a mass in his testicular region. Upon reviewing the allegations of the complaint, this Court will permit Plaintiff’s complaint brought pursuant to the FTCA against the United States to proceed past screening.

Accordingly, IT IS on this 23rd day of May, 2023,

ORDERED that Plaintiff's complaint against the United States shall be permitted to proceed past screening against the United States on Plaintiff's FTCA claim; and it is further

ORDERED that the Clerk shall provide to Plaintiff a transmittal letter explaining the procedure for completing the United States Marshal ("Marshal") 285 Form ("USM-285 Form") as to Defendant the United States; and it is further

ORDERED that once the Clerk receives the USM-285 Form from Plaintiff, the Clerk shall issue summons in connection with each USM-285 Form that have been submitted by Plaintiff; and the Marshal shall serve the summons, the complaint, this memorandum and order on the address specified on each USM-285 Form, with all costs of service advanced by the United States¹; and it is further

ORDERED that the Defendant the United States shall file and serve a responsive pleading within the time specified by Federal Rule of Civil Procedure 12; and it is further

ORDERED the Clerk shall also serve on Plaintiff by regular U.S. mail the following: (1) a copy of this memorandum and order; and (2) a blank copy of a motion for the appointment of pro bono counsel in a prisoner civil rights case should Plaintiff elect to file such a motion.

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹ Alternatively, the United States Marshal may notify Defendant that an action has been commenced and request that the Defendant waive personal service of a summons in accordance with Federal Rule of Civil Procedure 4(d).